

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Anderson Bryan-Lever

v.

Case No. 1:23-cv-00180-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated February 12, 2024 (doc. no. 13). For the reasons explained therein, respondent's motion to dismiss or for summary judgment (doc. no. 5) is granted.

"[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quotation omitted); see United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

Petitioner's action is dismissed in its entirety, without prejudice to his ability to file a new § 2241 action once he exhausts his administrative remedies. The clerk is directed to enter judgment and close this case.

SO ORDERED.



Samantha D. Elliott
United States District Judge

Date: March 27, 2024

cc: Anderson Bryan-Lever, pro se

Counsel of Record